IN THE UNITED STATES SUPREME COURT

RANDOLPH CREWS)
)
Plaintiff,)
)
V)
)
DEPARTMENT OF THE ARMY,)
)
Respondent)

(1)

DOCKET NO. 99-1166

"On Petition For Writ of Certiorari to the
United States Court of Appeals for The Fed. Cir."

MOTION FOR LEAVE TO PROCEED
AS VETERAN (S Ct Rule 40.1)

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SUPREME COURT, U.S.

VETERAN
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32 pp

IN THE

SUPREME COURT OF THE UNITED STATES

CLERK OF THE UNITED STATE SUPREME COURT

MOTION-FOR LEAVE TO PROCEED AS A VETERAN
(S Ct Rule 40.1)

Pursuant to Rule 40.1 of the Rules of this Court, The United States Supreme Court, I, Randolph Crews, Petitioner herein, respectfully moves the Court for leave to proceed in this cause as a veteran, and accordingly, to be allowed to proceed on typewritten paper. S Ct. Rule 33.2.

By means of Appendix D-1 through D-5, I, Randolph Crews, do declare under penalty of fraud and perjury that I am said Disable Handicap veteran, Qualified to bring said action under the Universal Military Training and Service Act to established reemployment rights under that statue. U.S.C.S., Section 2022. Due to said provision of law exempting said veteran from payment of fees or court cost, I do affirm any intentional false statements in this pleading or willfull misrepresentation relative thereto is a violation of the law punishable by a fine or imprisonment or both. (18 USC 1001).

A veteran may seek review in Federal Court on the ground that the Agency's decision was Arbitrary, unreasonable, capricious, or not supported by substantial evidence, or that it departed from required standards of procedural due process. Dozier v. US (1973, CA 5 Tex.) 473 F 2d 866.

Public Law 103-353, Section 4300, defines this Court JURISDICTION BY MEANS OF THE VETERANS' PREFERENCE ACT 5 USCS SECTION 7512.

Therefore, I affix my signature ~~to~~ same,

RANDOLPH CREWS

STATEMENT OF THE CASE

As a 30 per-cent disable handicap veteran with "unlimited reinstatement rights." The Federal Court of Appeals is saying by means of cited Appendix A-1 through A-5, Agency has proved by "clear and convincing" evidence that it would have fired Plaintiff anyway without his protected disclosure in a job related injury! 5 USC 7701(c)(2)(b); See 5 USC, Section 1221(e).

Being that is so, Plaintiff beg for Writ of Certiorari for agency could not in anyway fire Plaintiff in violation of Chapter 7512 without "face to face hearing," or "advance notice and adverse decision" and not be in violation of Section 2302(b)(8), 5 CFR Section 2302(b). See Section 14 of WPA, codified at 5 USC, Section 1221(e)(1)(A)&(B)(1994).

Planitiff beg for Writ of Certiorari For Appendix D-3 shows Board did have jurisdiction due to "subject matter," therefore, Plaintiff did not get a fair examination of his record according to FRCP 56(f). See Gregory V. Office of Personell Management, 66 M.S.P.R. 691,697, Aff'd 64 F .3d 677 (Fed. Cir. 1995)(Table). 5 USC Section 7701(a)(1)(b)(1):

A- "Reinstatement," failure to reinstate according to grade and time is an adverse personnel action, directly appealable to the Board! 5 USC, Section 2302(b)(8); (Pub. Law 89-554, Section 1, 80 Stat. 528, Sept. 6, 1996); Sec. 7512.

B- "Gross Mismanagement and Abuse of Authority," Congress has always wanted to protect! See S. Rep. No. 413, 100th Cong., 2d Sess. 13 (1988), The Senate Report contains the following language:"The Committee intends that disclosures be encouraged. The OSC, the Board and the Courts should not erect barriers to disclosures which will limit the necessary flow of information from employees who have knowledge of government wrongdoing!"

C- Therefore, Plaintiff February 20, 1995 letter to the IG which led to her investigation, Appendix G-1 before any letter of warning that Plaintiff was being fired, the Board should have upheld Plaintiff's rights to a hearing!

D- Not With Standing, Agency's confessed wrongdoing! Appendix G-2; Paragraph two of Appendix H-1 which contradicts the letter of Termination! Appendix E-1, E-2.

/

STATEMENT OF THE CASE

Plaintiff beg for Writ of Certiorari for the Federal Court of Appeals has given the Agency "Presumption of Innocence" for Plaintiff had no idea he was being fired for he had received no 30 days notice or any letter of warning nor did Agency file any record of same!

Plaintiff beg for Writ of Certiorari for OPM as promulgator of rules and regulations says at 5 CFR, Section 752.403 "Standard for Action:"(b) An agency may not take an adverse action against an employee on the basis of any reason prohibited by Title 5 USC, Section 2302! The issue of whether an action is a personnel action focuses on the nature of the action at issue, not on the status of the employee who is the subject of the action. A termination of an employee, regardless of whether he or she has an appeal right under chapter 75 of title 5, is a disciplinary action! See Wren v. Dept. of Army, 2 MSPB 174, 2 MSPR 1 (1980), aff'd, 681 F .2d 867 (D.C. Cir.1982). So, "DECEPTION," is a Prohibited Personnel Practice! Plaintiff was in an approved pay status of LWOP! 5 CFR, Section 752.402 says:"A current continuous employment means a period of employment or service immediately preceding an adverse action in the same or similar positions without a break in Federal Civilian Employment of a workday!"

If the agency does grant LWOP, What is the BOARD's attitude? The Board has said:"It is presumed that agency officials made a determination that the employee's duty presence was not required! So, in Webb v. USPS, 10 MSPR 536 (1982), the Board said:"The LWOP period should not be considered against the employee as a basis foradverse action. It would be inequitable to allow the agency to take action against the employee based on the use of approved leave, and it would also be contrary to 5 USC Chapter 63 and 5 CFR Part 630, entitling an employee to use annual and sick leave within prescribed circumstances and limitations!" Corrective action was a must!

That's why Plaintiff begs for Writ of Certiorari for in Crews v. the Department of the Army, The Supreme Court has before it "Egregious Conduct." See Kolstad v. American Dental Ass'n, 139 F.3d 958, 76 Fair Empl. Prac. Cas. (BNA) 1321, 150 A.L.R. Fed. 777 (D.C. Cir. 1998). Said Employer, with malice aforethought did intend to injury one Randolph Crews!

STATEMENT OF THE CASE

Plaintiff had a job-related injury! That is the focal point of Crews v. Department of the Army! For more than 120 days, A.J. Martin as the Manager of Disability Claims for Workers' Compensation, did willfully, knowningly create an employment environment with greater stress and tension than a worker must ordinarily experience!

Appendix D-4 shows everyone in full-time employment in Germany received a "post allowance!" 5 USCS, Section 5941 says:"The Sec. of State may establish a foreign post allowance for any place when, and only when, the place involves any one or more of the following:'(a) extraordinarily difficult living conditions, (b) excessive physical hardship, or (c) notably unhealthful conditions.'" THEREFORE, before Plaintiff ever entered said employment, A.J. Martin as Dir. of 266th Finance knew that it was imperative that he adhered to OWCP's "Medically and Vocationally Suitable" Provision! 20 CFR 10.123(f)(b). Hence, Plaintiff begs for Writ of Certiorari for the Tort Provision of the Workers' Compensation Law says:"If the employer knew the consequences of its acts, or was substantially certain of them,and went ahead anyway, it is treated by law as desiring the resulting injury!" See Keating v. Shell Chemical Co. (CA 5 La), 610 F.2d 328. Workers' Compensation, Section 75, 82 Am Jur 2d.

Plaintiff beg for Writ of Certiorari for in this context, it has been said that "serious and willful misconduct" is not equivalent to mere negligence, or even gross negligence, but is basically the antithesis of negligence, and involves a deliberate act for the purpose of injuring another, an intentional act with knowledge that serious injury is a probable result, or an intentional act with a positive and reckless disregard of its possible consequences. Workers' Compensation, Section 408, 82 Am Jur 2d. See Johns-Manville Sales Corp. V. Workers' Compensation Appeals Board (2nd Dist) 96 Cal App 3d 923, 158 Cal Rptr. 463.

Therefore, Plaintiff beg for Writ of Certiorari to sue said employer as "his Options" as provided by the "tort" Provision of OWCP's for $25 million dollars as an exception for this "Cruel and Unusual Punishment" of one with a known Disability! Said request is also in accord with Supreme Court definition of "Willfulness," as, "The Employer either knew or showed a reckless disregard for the matter of whether its conduct was prohibited," in this case, Workers' Compensa-

tion law of a job must be "Medically and Vocationally Suitable!" See Bekins Moving & Storage Co. v. Workers' Compensation Appeals Board (1st Dist.) 103 Cal App .3d 675, 163 Cal Rptr. 213. Sec. 408, OWCP's, 82 Am Jur 2d; 96 ALR 3d 1064.

Both the Board and the Court of Appeals knew the legislative history of the WPA shows that Congress also intended the term " gross" to reflect something blatant or out of the ordinary.

S. Rep. No. 413, 100th Cong. 2d Sess.13.

BLACK's LAW DICTIONARY 702 (6th ed. 1990), defines gross as, "[o]ut of all measure; beyond allowance; flagrant; shameful; as a gross dereliction of duty, a gross injustice, ...Such conduct as is not to be excused!" A.J. Martin knew in September of 1994 that in was in the "best interest of the government" to move Crews and his family and household goods (that are now in the hands of the German Marshall), to Heidleberg Germany to comply with Workers' Compensation humane provision of 50 miles commuting to work provision for new hire! 5 USC, Section 5722 (a)(b)(c)(1).

Plaintiff beg for Writ of Certiorari for Plaintiff did not get the opportunity to "make his case whole" that agency knew it should have transferred Randolph Crews "back to work" at either Heidleberg Germany or Baumholder in keeping with Doctor Schnellbacher medical advise that it was not "Medically or vocationally suitable" in 1995 for a sixty-years old man to commute 100 miles per day to and from work! 20 CFR Section 10.505, "The term 'return to work' is not limited to returning to work at the employee's normal worksite or usual position, but may include returning to work at other locations and in other positions!" FRCP 56(F).

Plaintiff beg for Writ of Certiorari for agency's admission of having workers' compensation forms from Plaintiff to the Baumholder Inspector General at Appendix G-2 is deliberately deception and a willfull violation of Workers' Compensation Law 20 CFR 10.23(c):"Any person charged with the responsibility of making reports in connection with an injury who willfully fails, or refuses to do so; or willfully retains any notice, report, or paper required

in connection with an injury, is subject to a fine or imprisonment."

Planitiff beg for Writ of Certiorari for agency's "flagrant" and willfull violation of the humane provisions of Workers' Comp. (1) should have been moved to within 50 mile commute area due to job must be "medically and vocationally suitable!" (2) Monica Dean should have provided emergency medical care within four hours of Job related traumatic injury January 10, 1995 or She was obligated to provide a CA-7 Form no later than 48 hours (Jan 12,95), and could have as late as January 17, 1995 for they had Dr. Schnellbacher Appendix D-5 by Inter-Agency next day mail services! (Baumholder to Heidleberg). (3) CA-17 Duty Status Report should have been received by Plaintiff and said Doctor long before Plaintiff filed his complaint with the Baumholder IG Office, Tuesday, February 21, 1995, which was within the 50 miles commutting area of Plaintiff's home and treatment! (4)" When an employee is disabled by a work-related injury and loses pay for more than three(3) calendar days, the employer shall furnish the employee with Form CA-7 for the purpose of claiming compensation." 20 CFR 10.111; (5) "Even though a claim is controverted (Agency's Rights), The agency must continue the employee's regular pay unless it can prove to OWCP's by any of the 9 reasons set forth by law!" 5 USC 8101 (1) (B) or (E); (6)"If the employer doubts that the injury occurred, or that it is work-related, he or she should authorize medical care by completing Form CA-16 and checking block 6B of the Form." 20 CFR Section 10.302.

Why didn't Agency comply with said instruction? Because, They knew A.J.Martin had created an employment environment with greater stress and tension than a worker must ordinarily experience forsaid Agency had verifiable medical documentation that the job was "Medically and vocationally not suitable!" 20 CFR 10.123(f) (b). Hence, Plaintiff beg for Writ of Certiorari for the stiffest penalty the law will allow in Compensatory and Punitive Damages! S Ct. 42.

Plaintiff beg for Writ of Certiorari for while these rights are provided by the FECA, the pertinent section of the law is control by OPM! Retention Rights, 5 CFR 353, 302, and 330. THEREFORE, said laws provide:"An employee hired before January 1, 1984 will retain

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Civil Service Retirement Act rights if reemployed by a Federal agency, regardless of the lenght of time he or she has been receiving compensation, and regardless of whether he or she is in LWOP status or SEPARATED!" 5 CFR Section 353.103 says:(b)"The provisions of this part concerning employee injury cover a civil employee in any branch of the Government of the United States;" 353.104 says:"When an agency separates, or fails to restore an employee because of compensable injury, it shall notify the employee of his or her rights, obligations, and benefits relating to Government employment, including any appeal and grievance rights!" PLEASE NOTE WHY WRIT OF CERTIORARI IS A MUST:" **regardless of notification**, an employee is still required toexercise due diligence in ascertaining his or her rights, and to seek reemployment within the time limits provided by chapter 43 of title 38, USC, for restoration after or as soon as he or she is able after a compensable injury!" Section 353.107 says:"Upon reemployment, an employee absent because of compensable injury is generally entitled to be as though he or she had never left. This means that a person who is reemployed following fully recovered from compensable injury receives credit for the entire period (6yrs.) of the absence for purposes of rights and benefits based upon seniority and lenght of service, including within-grade increases, career tenure, completion of probation, leave rate accrual, and severance pay!"

Because, the firing of Plaintiff was senselessness and agency admitts in paragraph four of Appendix E-1 that they knew Plaintiff had preference status and 5 CFR Section 315.401 says:"There is no time limit on the reinstatement eligibility of a preference eligible or a person who completed the service requirement for career tenure. or (10) periods of nonemployement during which a person is eligible for injury compensation under the Office of Workers' Compensation P." Being that is so, Plaintiff beg said reinstatement be at his VRA Special hiring rights up to GS-11, 38 USCS Section 4213 and plaintiff also beg that the FLSA of 1938 and its Amended (29, USC 201, et seq.), Pub. 1318, Rev. July, 1997 which supercede State Comp. Law and by analogy WPA provide Section 15 (a)(3) of the FLSA which prohibits discharge or retaliation in any matter where a employee file a complaint, institute a proceeding (IG), and "shall be liable for such legal or equitable relief as may be appropriate to effectuate the purposes of this scetion, including without limitation employment, reinstatement, promotion, and the payment of wages lost and an additional equal amount as liquidated damages. An action to recover the liability prescribed in either of the preceding sentences may be maintained in any Federal or State Court of competent jurisdiction by any one!"

STATEMENT OF THE CASE

Since, said provision sets no equitable limitation, Plaintiff beg that said 25 years of Federal credit adhere to OPM 5 CRF Section 353.106 (c) provision:"An agency promotion plans must provide a mechanism by which employees who are absent because of compensable injury can be considered for promotion;" 5 CFR Section 8151 n19 " rights of employee whose recovery takes longer than one year are analogous to those of employee recovering within one year with respect to the positions for which he is to be considered." Phillips v. Department of Transp., M.S.P.B. 1984, 22 M.S.P.R. 223.

Because of said job retention---provision and agency's legal obligations to pay plaintiff his bi-weekly salary, Plaintiff begs that said allegation in Appendix G-1 to the IG, "An inquiry revealed that the individual put in a request for advance sick leave," IS DECEPTION! The Workers' Compensation Law defined "GROSS NEGLIGENCE," "As that entire want of care which would raise the belief that the act or omission complained of was the result of a conscious indifference to the right or welfare of the persons to be effected by it." Burk Royalty Co. V. Walls (Tex) 616 SW2d 911, rehg of cause overr (Jul 1, 1981).

Appendix D-3 shows Plaintiff's Service Comp. Date as 03-09-80 and Appendix D-2 shows Plaintiff's official release from the Air Force as being, May 03, 1962, hence, Plaintiff begs that his entire Federal credit now adhere to 25 Years of Federal Credit for this flagrant disregard of Plaintiff's rights. In Lo Dolce v. Regional Transit Service, Inc., (1980, 3d Dept.), 77 App Div 2d 697, 429 NYS 2d 505, affirming a decision of the Workers' Compensation Board, the court held that the discharge of the plaintiff, because of lost time due to an employment-related accident, explicitly violated the provision of the Workers' Compensation Act prohibiting thedischarge of, or discrimination against, an employee who claims or attempts to claim workers' compensation. Therefore, of this same case, the courts have said:"The employee is typically entitled by statue to continuing compensation for temporary disability, and this implies at least a limited right to be absent!" ID. YOU HAVE EGREGIOUS DEF.

"The Best Interest of the Government" is not served by firing in a job related injury! 20 CFR Section 10.123(F) or 5 USC Section 5722 by means of agency "malicious abuse of legal process!"

OWCP's is a form of strict liability, hence, Plaintiff should have been compensated for his job related injury! OWCP's Sec.1.

STATEMENT OF THE CASE

Plaintiff beg for Writ of Certiorari in accord with Board's 5 USC Section 1214 (g)(2) which provides for back pay, and related benefits that upon reinstatement that Plaintiff received 90 days advance leave here in America with lease car agreement, medical costs, (Wife spent 7 days in aGerman Hôspital and Plaintiff spent 13 days), it also provide for travel expenses,(return to Germany for a period of 90 days only with housing and renewal travel agreement, lease car with full base privileges), and any other reasonable and forseeable consequential damages. (As amended Oct. 29, 1994, P.L. 103-424, ss 3(c),(d), 8(a), 108 stat. 4362,4364); See also P.L. 103-424, 1994, wherein the Office of Special Counsel said:"reprisal will not be tolerated" and provided for "consequential" damages such as medical costs and travel expenses associated with pursuing the case!" Therefore, Plaintiff beg that upon reinstatement that said return to Germany, Idar-Oberstein, that Plaintiff hire a Germany Attorney to clear up any and all debts associated with this unjust dismissal and that same be payable at Baumholder Military Finance Center or at Ramstein AF and be it already understood that we are at $18,000 dollars for the lost of our household goods that have been in the hands of a German Marshall since June of 1996! (Travel will be at first-class for medical reasons both domestic and foreign).

Plaintiff will be transferred to Lisbon Portugal due to this physical and emotional duress associate with this Traumatic experience in Germany and America! (See MSPB Doc. No. SF-0752910971-X-1, Jul.94).

Plaintiff begs that Writ of Certiorari so order according to 5 USCS, Section 1204, (note 5) under Jurisdiction that Merit Systems Protection Board has exclusive continuing jurisdiction over employee's claims for determination of amount of back pay because Public Law 101-509 does allow for hiring up to GS-11, so back pay should be at Management Analyst with 25 years of Federal Credit! See Shellman V. U.S. 1986, 9 Cl Ct 452, "It was ruled the Board could reinstate and award backpay based upon 'exclusivity analysis'."

Agency knows it has advance "Malicious abuse of legal process" and Plaintiff beg for treble compensatory damages! Williams v. Hall No. Ashland 84-149 (E.D. KY., June 10, 1988).

STATEMENT OF THE CASE

Plaintiff beg for Writ of Certiorari for the harmless error rule FRCP 61, is applicable to pleadings. Goodman V. United States (1968, CA9 Cal) 398 F2d 879. In addition, 28 USCS, Section 2111 provides that, any Writ of Certiorari in any case, the Court shall give judgment after an examination of the record without regard to errors or defects which do not affect the substantial rights of the parties.

Hence, Plaintiff has noother relief and has exhausted administrative remedies in spite of Costin v. Dept; of Health and HUMAN Service, Aff'd 64 F .3d 675 (Fed. Cir. 1995)(Table), Wherein it was said:"The Whistleblower Protection Act (WPA) is a remedial statue; As such, it should be broadly construed 'in favor of those whom it was intended to protect.'" Wagner Seed Co. v. Bush, 709 F. Supp. 249, 252 (D.D.C. 1989) Aff'd, 946 F .2d 918 (D.C. Cir. 1991). See also Sutherland State Const. Section 60.01 (5th ed. 1992)(remedial statutes are to be 'liberally construed to suppress the evil and advance the remedy')."

PLAINTIFF COULD NOT BE FIRED IN A JOB RELATED INJURY AND FRCP 56(F) SHOWS PLAINTIFF HAD THE RIGHT TO DEMAND ANY RECORDS IN AGENCY'S POSSESSION "TO MAKE HIS CASE WHOLE!" National Life Ins. Co. v. Solomon (1975, CA2 NY) 529 F2d 59.

Agency's Appendix H-1 through H-3 as there record before the Court proves the Inspector General Report Appendix G-3 that said "firing" Officials are "tainted Officials!" The IG report says:"THE INQUIRIES." What inquiries? The February 20th, 1995 letter! What Happen? The IG says:"The inquiries into your allegations have raised the conscience level of all concerned!" Plaintiff was RETALIATORY DISCHARGED!

Plaintiff beg for "The substantially innocent" standard in the interest of Justice! Yorkshire v. Merit Systems Protection Board, 746 F .2d 1454, 1457 (Fed. Cir. 1984).

AGENCY CANNOT LEGALLY DENY WORKERS' COMP.

IN THE

SUPREME COURT OF THE UNITED STATES

Granting the Petition:

Congress said over 21 years ago in forming Title 5:"How critical it is that we retain protection for Veterans once they have been employed!" Congressional Record, August 10, 1978, page 25573. Congress knew 21 years ago:"There is no effective means other than drawn out administrative and court proceeding for a Whistleblower to set things right!" (6 yrs come March 2000), Congress went on to say:"We all lose when reasonable and constructive criticism of agencies by those who know them best is stiffled!" Id 25727.

This sitting President has put into place Public Law 103-353, Section 4311 (2) Which states emphatically:"The prohibition in paragraph (1),"Discrimination/Acts of Reprisal Prohibited)" shall apply with respect to a person regardless of whether that person has performed service in the uniformed services!"

Then there is the provisions of the Fifth and Fourteenth Amendments of the Constitution that no person shall be deprived of "property" by the State or Federal Government without due process of law has been construed to include one's 'legitimate entitlement to a job.'" See Board of Regents v. Roth, 408 U.S. 564, 92 S. Ct. 2701, 33L. Ed. 2d 548 (1972).

In 1985, The Supreme Court reiterated in Cleveland Board of Education v. Loudermill, "that (a)n essential principle of due process is that a deprivation of life, liberty, or property be preceded by notice and opportunity for hearing appropriate to the nature of the case.'" 470 U.S. 532, 105 S. Ct. 1487, 84 L. Ed. 2d 494 (1985).

PLAINTIFF PRAY THAT THE SUPREME COURT VACATE AND REVERSE Fed. Cir. Court of Appeals;

Therefore, Respectfully submitted

Plaintiff

PROOF OF SERVICE

I, Randolph Crews, do swear or declare that on this date, January 5, 2000, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED AS A VETERAN and PETITION FOR A WRIT OF CERTIORARI on each party to said proceeding or that party's counsel, and on every other person required to be served, by depositing same in the United States mail with first-class postage prepaid.

The names and addresses of those served are as follows:

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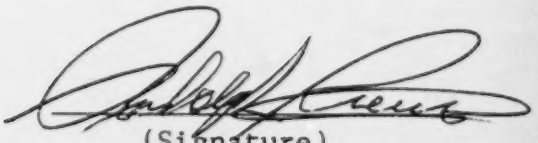
Other

Majorie Marks
U.S. Office ofPersonnel Mgr.
Employee Relations Division
1900 "E" Street, NW, R-7412
Washington, DC 20415

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01-05, 2000



(Signature)

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NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record. The disposition will appear in tables published periodically.

United States Court of Appeals for the Federal Circuit

99-3182

RANDOLPH CREWS,

Petitioner,

v.

DEPARTMENT OF THE ARMY,

Respondent.

DECIDED: October 8, 1999

Before MICHEL, Circuit Judge, FRIEDMAN, Senior Circuit Judge, and BRYSON, Circuit Judge.

PER CURIAM.

DECISION

Randolph Crews appeals from a decision of the Merit Systems Protection Board ("Board" or "MSPB"), dismissing his appeal for lack of jurisdiction. Because Mr. Crews has not demonstrated that the Board erred in dismissing his appeal, we affirm.

BACKGROUND

Mr. Crews was a GS-4 Voucher Examiner with the Travel division of the Army's 266th Theater Finance Command in Germany when he was terminated during his probationary period, effective March 10, 1995, for excessive absenteeism, failure to

follow proper leave request procedures, and absence without leave. On February 20, 1995, after being notified that he was to be terminated, Mr. Crews sent a letter to the Inspector General ("IG") in which he stated that he was not being paid according to his prior federal service in time and grade while another employee who had a "free ride at a GS-11 status" had "moved on to a GS-12 position with renewal travel agreement benefit."

In a letter dated April 1998, Mr. Crews sought corrective action from the United States Office of Special Counsel ("OSC") alleging his dismissal was in reprisal to whistleblowing activities. In the letter, Mr. Crews alleged that his supervisors "have engaged in a prohibited personnel practice to committ [sic] fraud against the government." Mr. Crews further alleged that creating a job for another employee was a "gross mismanagement of funds" and provided a travel voucher as evidence that the other employee was "enriching himself at the government's expense." The OSC did not take corrective action and closed its files on April 27, 1998. Mr. Crews appealed to the MSPB.

On May 29, 1998, the MSPB issued an order to show cause notifying Mr. Crews that he must file evidence and argument to establish that his appeal was within the Board's jurisdiction. The Board specifically informed Mr. Crews that he must show that he engaged in whistleblower activity by making a disclosure protected under 5 U.S.C. § 2302(b)(8) of the Whistleblower Protection Act, i.e., he disclosed information that he reasonably believed evidenced a violation of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety. In response, Mr. Crews stated that the

"giving unauthorized preferential treatment" to another employee is proof that the provisions of section 2302(b)(8) have been met.

The Board dismissed Mr. Crews' appeal for lack of jurisdiction reasoning that Mr. Crews failed to make allegations which, if proven, would establish that he made disclosures protected under the Whistleblower Protection Act.

Mr. Crews petitioned the full MSPB for review of the Board's initial decision. The MSPB denied the petition reasoning that it did not meet the criteria for review set forth at 5 C.F.R. § 1201.115. This appeal follows.

DISCUSSION

The Board's jurisdiction is not plenary, but is limited to those areas specifically granted by some law, rule, or regulation. See 5 U.S.C. § 7701(a) (1994). In order for the Board to have jurisdiction of an Individual Right of Action appeal from an agency action terminating an appointment under the Whistleblower Protection Act, one of the things that a petitioner must show, by a preponderance of the evidence, is that he engaged in whistleblower activity by making a disclosure protected under 5 U.S.C. § 2302(b)(8), i.e., he disclosed information that he reasonably believed evidenced a violation of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety. See Ellison v. Merit Sys. Protection Bd., 7 F.3d 1031, 1034 (Fed. Cir. 1993).

Mr. Crews asserts that the unauthorized preferential treatment of the other employee constituted a gross waste of funds and a gross mismanagement. However, Mr. Crews has failed to allege how this action represented a gross waste of funds, a gross mismanagement, or was otherwise improper. Mr. Crews has provided no

evidence that the position created was unnecessary to the proper functioning of the agency, that supervisors were allowing the other employee to neglect his duties, or any other evidence of wrong doing. Mr. Crews' allegations, without further information, do not reflect matters that a reasonable person would believe show a gross mismanagement, a gross waste of funds, or any of the other situations specified in section 2302(b)(8). See Ward v. Merit Sys. Protection Bd., 981 F.2d 521, 526-27 (Fed. Cir. 1992) (holding that petitioner failed to allege facts which a reasonable person could conclude constituted gross mismanagement or a gross waste of funds).

Similarly, Mr. Crews fails to explain how the travel voucher was evidence of a gross waste of funds. The legislative history of the initial whistleblower provisions, originally passed as part of the Civil Service Reform Act ("CSRA"), Pub. L. No. 95-454 (Oct. 13, 1978), now codified in various portions of title 5 of the United States Code, indicates that the Act was not intended to apply to disclosure of trivial or de minimis matters. See S. Rep. No. 969, 95th Cong., 2d Sess. 8 (1978), reprinted in 1978 U.S.C.C.A.N. 2723, 2730 (indicating that the Act is needed as a means to protect the "pentagon employee who discloses billions of dollars in cost overruns, the GSA employee who discloses widespread fraud, and the nuclear engineer who questions the safety of certain nuclear plants"). Congress further showed its intent that the term "gross waste of funds" is to reflect more than just debatable expenditure when it passed the Whistleblower Protection Act of 1989, changing the reference from "mismanagement" in the CSRA to "gross mismanagement". The legislative history explains that the amendment:

> change[s] the definition of protected disclosures from "mismanagement" to "gross mismanagement". While the Committee is concerned about improving the protection of whistleblowers, it is also concerned about the exhaustive administrative and judicial remedies . . . that could be used by employees who have made disclosures of trivial matters. CSRA specifically established a de minimis standard for disclosures affecting the waste of funds by defining such disclosures as protected only if they involved "a gross waste of funds." [By amending the CSRA], the Committee establishes a similar de minimis standard for disclosures of mismanagement by protecting them only if they involve "gross mismanagement."

S. Rep. No. 413, 100th Cong. 2d Sess. 13, 26, 34.

Without providing evidence that the monies expended by the travel voucher were a gross waste of funds and not just a de minimis expenditure, Mr. Crews has failed to demonstrate that he made protected disclosures necessary to establish the Board's jurisdiction.

Thus, we hold that the Board correctly ruled that Mr. Crews' complaint to the Board did not allege "whistleblowing" as the Whistleblower Protection Act defines that term and affirm the Board's dismissal for lack of jurisdiction.

United States Court of Appeals for the Federal Circuit

O R D E R

Before MICHEL, Circuit Judge, FRIEDMAN, Senior Circuit Judge, and BRYSON, Circuit Judge.

A petition for rehearing having been filed by the PETITIONER,

UPON CONSIDERATION THEREOF, it is

ORDERED that the petition for rehearing be, and the same hereby is, DENIED.

The mandate of the court will issue on November 16, 1999.

FOR THE COURT,

Jan Horbaly
Clerk

Dated: November 9, 1999

cc: RANDOLPH CREWS
MARIAN SULLIVAN

FILED
U.S COURT OF APPEALS FO
THE FEDERAL CIRCUIT

NOV 9 - 1999

JAN HORBALY
CLERK

CREWS V ARMY, 99-3182
(MSPB - DC1221980526-W-1)

****
* *
* Note: Pursuant to Fed. Cir. R. 47.6, this order is not *
* citable as precedent. It is a public record. *
* *
****

United States Court of Appeals for the Federal Circuit

99-3182

RANDOLPH CREWS,

Petitioner,

v.

DEPARTMENT OF THE ARMY,

Respondent.

Judgment

ON APPEAL from the Merit Systems Protection Board

in CASE NO(S). DC1221980526-W-1

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

AFFIRMED.

ENTERED BY ORDER OF THE COURT

DATED OCT 08 1999

JAN HORBALY, CLERK

ISSUED AS A MANDATE: NOVEMBER 16, 1999

C-1

Department of Veterans Affairs
FED BLDG 31 HOPKIN PL
BALTIMORE MD 21201

December 28, 1998

RANDOLPH CREWS
PO BOX 10467
MT. WASHINGTON MD 21209

FILE NUMBER:
20 645 630
R CREWS

DEPARTMENT OF VETERANS AFFAIRS BENEFITS INCREASED

Congress has passed and the President has signed into law an act increasing service-connected benefits from December 1st.

Your new monthly rate of compensation is $316.00; however, your actual deposit may be less if you currently have amounts deducted from your benefits, e.g. insurance premiums.

The provisions of the new law apply to veterans entitled to service-connected disability compensation, surviving spouses, and children entitled to dependency and indemnity compensation.

VA benefit information from your records is expected to be matched with the following agencies to verify accuracy of the information contained in VA records and/or the records of the other agency:

1. Department of Defense to verify a return to active military service.

2. Department of Defense to obtain accurate information concerning waiver of compensation benefits for those veterans who waive VA compensation benefits while on Reserve Training Duty.

3. Social Security Administration to determine whether a veteran being paid at the 100-percent rate because of unemployability is receiving substantial earned income.

4. Bureau of Prisons and Social Security Administration to determine if a beneficiary is incarcerated in excess of 60 days.

5. Social Security Administration to verify the accuracy of eligibility to benefits from the Supplemental Security Income program.

6. U.S. Department of Health and Human Services to assist the states in determining eligibility to Medicaid, Aid to Families with Dependent Children, and Food Stamps.

7. Department of Education to verify veteran status of applicants for financial assistance.

Please advise us immediately if you go on active duty in the Armed Forces or if there is any change in your current address or marital status. If you are receiving additional benefits for dependents, notify us immediately of any change in their status.

Any questions or correspondence should be submitted to the VA Regional Office handling your account. If you do not know which regional office handles your account, contact the office nearest your home. For telephone inquiries, dial the following Toll Free Number: 1-800-827-1000. Hearing Impaired, dial 1-800-829-4833.

DEPARTMENT OF VETERANS AFFAIRS

Honorable Discharge

from the Armed Forces of the United States of America

This is to certify that

RANDOLPH CREWS AF 14515431 A2C AFRES

was Honorably Discharged from the

United States Air Force

on the 3RD day of MAY 1962. This certificate is awarded as a testimonial of Honest and Faithful Service

R. P. Locke

R. P. LOCKE
Lt. COLONEL, USAF

DD FORM 1 NOV 51 256 AF PREVIOUS EDITIONS OF THIS FORM MAY BE USED.

THIS IS AN IMPORTANT RECORD — SAFEGUARD IT!

0051

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10-2

Publisher's Note:

Page(s) D-3 missing in original document

Crews v. Dept Army — Special Counsel

[redacted] — I

266TH TFC ATTN AEUFC-CP UNIT 29001
APO, AE 09007

DOD OFFICIAL INTRA-THEATER MAIL

CIVILIAN EMPLOYEES EARNINGS AND LEAVE STATEMENT

PCN	SSN	GR	ST	HRLY/DAILY RATE	ANNUAL RATE	PAY PLAN	SCD	FLSA CODE	US TAX MAR ST	US TAX EX	US TAX ADDL	STATE TAX CODE	STATE TAX EX	STATE TAX ADD	BOND BAL	COM BAL	PAY PER
20	243-40-9318	04	01	8.01	16,721	/10	91-02-19	E	2	2		GE	0				95-02-18

MAX CO	LV CT	ANNUAL LEAVE PRIOR YR BAL	ACRD YTD	USED THIS PP	USED YTD	CURR BAL	USE/LOSE	SICK/TEACHER LEAVE PRIOR YR BAL	ACRD YTD	USED THIS PP	USED YTD	CURR BAL	CURR	AWOP YTD	ACRL FACT	HOME LEAVE USED	HA
240	06		18		6			4	12		8		80.0	200.0			

PAYMENT	DESCRIPTION	HOURS	AMOUNT
BASE PAY	not AWOL		204.42

No post allowance

15 years of prior federal Service means 8 hrs Lect.

Flagrant violation OF "financial hardship" for the Disable Handicapped Veteran 30% or more "a Prohibited Personnel Practice!"

OFFical Airforce Honorable Discharge Time:
may 1954 — Dec 1957
Reserve Discharge may 2, 1962

DEDUCTION/DESCRIPTION	AMOUNT
ADDITIONAL OPTIONAL LIFE INSURANCE	35.70
FAMILY OPTIONAL LIFE INSURANCE	2.60
HEALTH BENEFIT DEDUCTION 105	47.15
FERS	1.64
FICA	12.47
MEDICARE	2.91

When Was I AWOL?
95-3742 #8

UNEMP

REMARKS

POST ALLOWANCE INCREASES FOR MOST CIVILIAN EMPLOYEES IN GERMANY THIS PAY PERIOD.

GROSS PAY	204.42
TOTAL DEDUCTIONS	102.72
NET PAY	101.70

TOTAL DEDUCTIONS 102.72

MAILING ADDRESS

RANDOLPH CREWS
265TH TFC
CIVILIAN PAY BRANCH
APO AE 09007

CUM RET*	TAXABLE EARNINGS	NONTAXABLE EARNINGS	RETIREMENT	FICA	HEALTH INS	FEDERAL TAX
42.05	1,490.37	259.98	11.93	92.39	187.74	13.35
STATE TAX	CHARITY	UNION DUES	MEDICARE	TSP	POST SG	
			21.61			

REMARKS

YOUR RETRO BASE PAY PAID THIS PERIOD.
YOUR ANNUAL LEAVE ACCRUAL FACTOR CHANGE.
YOUR ANNUAL LEAVE UPDATED DUE TO SCD CHANGE.
YOUR SERVICE COMPUTION DATE CHANGE.

REMARKS: SL 4 AL 5 CR HR: .00

Item #3

BANK ADDRESS MERCHANTS NATIONAL BANK & TRUST ALB

[redacted]

09-2142

09-3742

LDC 3443-70-0579-L-1

Dr.med.Manfred Sch .llbächer
Facharzt fur Allgemeinmedizin
Sportmedizin - Psychotherapie
Friedrich-August-Straße 11
55765 Birkenfeld a. d. Nahe
Telefon 06782/2376

Birker .ld. den 16 . 1 . 95

Certifikation

Concerning Mr. Crewes Randolph. born 02.06.34 [redacted]

Mr. Crewes is unable to work from 11.01.95
till 20.01.95.

Dr. med Schnellbächer

95-3742

SOCIAL SECURITY #243-40-9318

Fax Copy to Workers Compensation
Attn: Donna Williams
Fax Number 703-325-7182 [redacted]

WORKERS COMPENSATION CLAIM

AT GREAT PERIL TO MYSELF, I HAVE TR
TO ENGAGE IN "LIFE'S MAJOR ACTIVITY'
A 30% DISABLE HANDICAPPED VETERAN!
WITH A CONTINOUS READING OF HIGH BL
FOR MY AGE, FAR ABOVE NORMAL, AND W
PHYSICAL THERAPY IS A DAY TO DAY THING!
I AM DO RIGHT NOW THIS MONTH 72 HOURS ANNUAL LEAVE AND THE SAME SICK
LEAVE, WOULD YOU BE SO KIND AND SEE THAT I AM GRANTED SICK LEAVE PAY
COVERING THE ABOVE!

THE LOST OF MY RIGHT LEG, THIS MENT.
PHYSICAL DURESS FROM DRIVING TWO HO
WORK AND TWO HOURS FROM WORK IT'S I
PERATIVE THAT I HEED MY DOCTOR'S AD
AND SEEK MEDICAL DISABILITY FROM SA
EMPLOYER!

266th TRAVEL VOUCHER SECTION
ATTN:SUPERVISOR MONICA DEAN

MY ADDRESS IS:

FELSENKIRCHE STR. #57
55743 IDAR-OBERSTIEN

IF YOU NEED TO CONTACT CIVILIAN PERSONNEL, THE HEAD OF THE DEPARTMENT I
BRENDA RICHIE, PHONE:011(49)6221-57-8932/1430, DSN370-8932/1430

266TH 06221-57-7709

99-3182

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DEPARTMENT OF THE ARMY
Headquarters, 266th Theater Finance Command
Unit 29001
APO AE 09007

AEUFC-CT

March 3, 1995

Mr. Randolph Crews
Felsenkirche Strasse #57
55743 Idar-Oberstein

Dear Mr. Crews:

This is official notification that you will be terminated from your term appointment as a Voucher Examiner, GS-540-04, with the 266th TFC and from the Federal service, effective March 10, 1995, for excessive absenteeism, being absent without approved leave (AWOL), and failure to properly request leave.

On September 19,1994, you were hired as a Voucher Examiner, GS-540-04, within the Travel Division, Civilian Pay, at 266th TFC. Since that date you have been absent from work a total of 357 hours as of March 3, 1995. This figure represents 41% of the total available duty hours since your appointment last September. Many of your absences have been with little or no advance notice, and you have offered a number of excuses from personal problems to medical difficulties to justify your absence from duty.

You have been absent from duty without approved leave on a continuous basis since January 12, 1995. Your unauthorized absence commenced shortly after Mr. Art Martin refused to grant you additional leave to cover your absence due to alleged transportation problems you were experiencing in getting to work from your home in Idar Oberstein. Since that date you have failed to properly request leave from me, nor has any approved leave been granted to you by either myself or Mr. Martin. While you have failed to properly request leave, you have submitted three sick leave slips from a Doctor Sohnellbacher indicating that you were unavailable for work from January 11, 1995 through February 3,1995. A recent correspondence received from you, undated, revealed that you will remain away from work due to medical problems with no mention as to when I can expect your return to duty. You have provided no additional medical documentation to substantiate your continued absence and have long since exhausted your sick leave. Consequently, you have been carried as AWOL since January 13, 1995.

The most recent letter I received from you, dated February 23,1995, described your difficulty in getting to work from your residence in Idar Oberstein, and for the first time, raised the issue of leave for disabled veterans. While I am aware of the fact that you collect

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disability pay from the Veterans Administration, this is the first time you have raised the issue of leave in conjunction with your extended unauthorized absence. Given the duration of your unauthorized absence and your failure to properly request leave, to include leave for treatment of any service connected disability, I find little credibility in your raising the issue of mandatory leave for a disabled veteran only after you learned of my decision to terminate your employment.

Your continuing excessive absenteeism, be it due to medical reasons or personal problems, is unacceptable and can no longer be tolerated. When hired, you were informed that we needed an employee who would be available for work on a full time basis given the heavy workload we experience at the 266th TFC. As a result of your unavailability for duty, your co-workers have been required to perform your work in addition to their own. If allowed to continue, the morale and work efficiency of the unit will suffer, and I as the responsible official will not permit this to happen.

The trial period is an extension of the examining process during which you must demonstrate that you are qualified and fit for continued Federal employment. Your excessive absenteeism, with no foreseeable end in sight, is sufficient reason to terminate your term appointment. A Standard Form 50, Notification of Personnel Action, documenting this action, will be sent to you under separate cover.

As you are serving a trial period, you do not have the right to reply to this action or to challenge the merits of this action by grieving this decision or appealing to the Merit Systems Protection Board. However, if you believe that this termination action was based upon (1) partisan political reasons (political affiliation) or marital status; or (2) race, color, religion, sex, national origin, physical handicap,or age, provided such discrimination is raised in addition to (1) above, you may file an appeal with the Merit Systems Protection Board (MSPB) not later than 30 calendar days from the effective date of your termination. Further information on MSPB appeal requirements may be obtained from Mr. Douglas Herrick, Employee Relations Division, Heidelberg Civilian Personnel Service Center, on DSN 370-8513, or civilian 06221578513.

Monica T. Dean

MONICA T. DEAN
Chief, Travel Division

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FEB

DEPARTMENT OF THE ARMY
HEADQUARTERS, 266TH THEATER FINANCE COMMAND
UNIT 29001
APO AE 09007

REPLY TO
ATTENTION OF

22 FEB 1995

AEUFC-CT

MEMORANDUM FOR MANAGEMENT AND EMPLOYEE RELATIONS, ATTN: DOUGLAS HARRICK

SUBJECT: TERMINATION OF EMPLOYMENT - CREWS, RANDOLPH

1. Request termination of employment on Randolph Crews, SSN: 243-40-9318. Mr. Crews started his employment with us on 19 Sep 94, and is still in the one-year probation period.

2. As of 17 Feb 95, Mr. Crews has 832 available hours, 317 unavailable hours and 38% unavailability for work. Request effective date of termination be 3 Mar 95.

3. Point of contact for further information is Monica T. Dean at 370-7709.

MONICA T. DEAN
Chief, Travel Division

17FEB95

357 8 872 a 4:2

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Rev. 4/87
U.S. Office of Personnel Management
FPM Chapter 296

REQUEST FOR PERSONNEL ACTION

UCMRS NO. 17349

PART A - Requesting Office *(Also complete Part B, items 1, 7-22, 32, 33, 36 and 39.)*

1. Actions Requested: TERMINATION OF EMPLOYMENT
2. Request Number: CP-95-054
3. For Additional Information Call (Name and Telephone Number): CHERYL ARMSTRONG, SECRETARY, 370-7776/8280
4. Proposed Effective Date: 03-18-95 ASAP
5. Action Requested By (Typed Name, Title, Signature, and Request Date): CHERYL ARMSTRONG, SECRETARY (02/22/95)
6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): A.J. MARTIN, DIRECTOR, CIVILIAN PAY DIRECTORATE (02/22/95)

PART B - For Preparation of SF 50 *(Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)*

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
CREWS, RANDOLPH	243-40-9318	06-02-34	03-10-95 ASAP

First Action		Second Action	
5-A. Code: 385	5-B. Nature of Action: Termination During Prob/Trial Period	6-A. Code:	6-B. Nature of Action:
5-C. Code: L2M	5-D. Legal Authority: Reg 315.804	6-C. Code:	6-D. Legal Authority:
5-E. Code:	5-F. Legal Authority:	6-E. Code:	6-F. Legal Authority:

7. FROM Position Title and Number: VOUCHER EXAMINER #3469T
UIC: WGR799 TDA: PARA 114I LN 02

15. TO Position Title and Number:

8. Pay Plan	9. Occ Code	10. Grade or Level	11. Step or Rate	12. Salary	13. Pay Basis
GS	540	04			PA

16. Pay Plan	17. Occ Code	18. Grade or Level	19. Step or Rate	20. Salary/Award	21. Pay Basis

14. Name and Location of Position's Organization:
266TH THEATER FINANCE COMMAND
DIRECTORATE FOR CIVILIAN PAY
ATTN: TRAVEL DIVISION
APO AE 09007

22. Name and Location of Position's Organization:

Employee Data

23. Veterans Preference: 1—None 2—5 Pt 3—10 Pt Disab 4—10 Pt Comp 5—10 Pt Other 6—10 Pt /30% Comp
24. Tenure: 0—None 1—Permanent 2—Conditional 3—Indefinite
25. Agency Use:
26. Veterans Preference for RIF: YES NO
27. FEGLI:
28. Annuitant Indicator: 1—Reempl Ann CS 2—RETO 3—RETM 4—RETO & CS 5—RETM & CS 9—Not Applicable
29. Pay Rate Determinant:
30. Retirement Plan:
31. Service Comp. Date (Leave):
32. Work Schedule: F—Full time P—Part-time I—Intermittent G—FT Seasonal O—PT Seasonal J—INT Seasonal H—FT On Call R—PT On Call — F
33. Part-Time Hours: Per Biweekly Pay Period

Position Data

34. Position Occupied: 1—Competitive Service 2—Excepted Service 3—SES General 4—SES Career Reserved
35. FLSA Category: E—Exempt N—Nonexempt
36. Appropriation Code: 2152020 89-3420 117096.UEFCB Q7QH S91516
37. Bargaining Unit Status:
38. Duty Station Code: GM5550000
39. Duty Station (City—County—State or Overseas Location): HEIDELBERG, GERMANY
40. Agency Data: FPL: Y/N
41. PS: NS
42. CP: N/A
43. CL: N/A
44. CIPMS POS: Y/N ACQ: Y/N EEC: Y/N
45. Educational Level:
46. Year Degree Attained:
47. Academic Discipline:
48. Functional Class:
49. Citizenship: 1—USA 8—Other
50. Vietnam Era Vet: V—Yes N—No
51. Supervisory Status:

PART C - Reviews and Approval *(Not to be used by requesting office.)*

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A Manpower	[signature]	27 Feb 95	D		
B Budget	[signature] Cynthia Williams	27 Feb 95	E		
C ER	[signature]	Mar 1, 1995	F		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature: [signature] Approval Date: 03-02-95

CONTINUED ON REVERSE SIDE

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Previous Edition Unusable After 9/30/88
NSN 7540-01-249-1912

THIS SIDE FOR USE BY INSPECTOR GENERAL

(When completed, this form becomes an official communication in accordance with AR 20-1.)

CASE NUMBER: E5B950169 | CLOSEDDATE (YYMMDD): 950323

OPENEDDATE * (YYMMDD): 950221 | SUSPENSE (YYMMDD): | EXTERNAL SUSPENSE (YYMMDD):

RECIPIENT * M | RECPTMODE * C | CASESTATUS * CL

INITIATOR:

LASTNAME * CREWS | FIRST RANDY | M.I. | SSN 243409318

COMPONENT * P | GRADE * CIV | GENDER * M | RACE * N | HOMEUIC

ACKNOWLEDGEMENT DATE (YYMMDD): | SOURCE * P

COMPLAINANT:

LASTNAME * CREWS | FIRST RANDYE S | M.I. | SSN 243409318

COMPONENT * P | GRADE * CIV | GENDER * M | RACE * N | HOMEUIC

ADDITIONAL INFO:

CASE LABEL * CREWS, RANDY | HOME IG E5B

PROBLEM AREA * CIVILIAN PAY | NOTIFICATION (YYMMDD):

INSPECTOR GENERAL ZIEHLKE JOAN M

FUNCTION INFO:

*FUNCTION CODE	*AGCMD AGNCY	*DETER	AGAINST UIC	USER CODE
OJ	E5B	A		
OA	E5B	A		

SUBJECT INFO:

*LASTNAME | FIRST | M.I. | SSN

*GRADE | *GENDER | *RACE | AGCMD AGNCY | AGUIC

SYNOPSIS: (Enter case summary, facts determined, action taken):

Individual requested assistance in getting paid for advance sick leave taken. An inquiry revealed that the individual put in a request for advanced sick leave, but it was denied by the supervisor. Contacted the Director of 266th Finance, who told us that the individual was being terminated due to excessive absentism and could not grant the advance sick leave. Spoke to the individual who stated that workman's compensation

**

* INDICATES A REQUIRED DATA ELEMENT ** INDICATES ADDITIONAL DATA

DA PROTOTYPE 1559-E, MAR 94

SYNOPSIS: (Continued)
forms were submitted to the supervisor because the individual believes the health problems that were encoutered were job related. Contacted the supervisor who confirmed that they received the forms but not file them because they did not have enough information from the individual's doctor to substantiate that it was job related. Informed the individual by letter that we no longer have any issues.//CASE CLOSED//